

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

-----X
GINA TITO,
on behalf of herself and
all others similarly situated,

Plaintiff

v.

RUBIN & ROTHMAN, LLC and
KEITH ROTHMAN, ESQ.

Defendants.
-----X

**ATTORNEY DECLARATION
OF ELIZABETH
SHOLLENBERGER IN
SUPPORT OF MOTION FOR
ATTORNEY'S FEES AND
COSTS**

12-cv-3464

Hon. Roslynn R. Mauskopf

Hon. Joan Azrack

DECLARATION OF ELIZABETH SHOLLENBERGER

ELIZABETH SHOLLENBERGER hereby declares, pursuant to 28 U.S.C. § 1746, that
the following facts are truthful:

1. I am an attorney duly admitted to practice law in the State of New York and in the United States District Court for the Southern District of New York. Schlanger & Schlanger, LLP, the firm by which I am employed, is counsel for the Plaintiff Gina Tito in the instant lawsuit, commenced under the Fair Debt Collection Practices Act (FDCPA) and New York's Judiciary Law § 487.
2. I make this Affirmation in support of Plaintiff's petition to the court to determine the costs and reasonable attorney's fees in this action.
3. I am a 1981 graduate of Yale Law School.
4. I was admitted to practice in New York in April of 1982.
5. I am admitted to practice law in 1983 in the following federal courts:
 - a. United States District Court for the Southern District of New York.

- b. United States District Court for the Eastern District of New York.
6. From September, 1981 through July, 1986, I worked, first as a law graduate and then as an associate attorney in private law firms within New York City where I focused on complex civil litigation. During that time, I also worked on Florida state court and Federal court death penalty appeals and habeas petitions for two Florida death row inmates.
 7. From August, 1986 through July, 1988, I was a full-time member of the faculty of New York University School of Law, teaching in the school's lawyering skills program.
 8. For 21 years, from August 1988 through October 2009, I worked as a legal services attorney, first as an employee of Bronx Legal Services, then later as an employee of Queens Legal Services; both organizations were a part of an umbrella organization called, at various times, Community Action for Legal Services and Legal Services of NYC.
 - a. From 1988 through 1991, I was a staff attorney in the Housing Unit of Bronx Legal Services, representing tenants facing eviction;
 - b. From 1991 through 1999, I was the Unit Director of the Housing Unit of Bronx Legal Services, representing tenants and supervising other attorneys in representing tenants;
 - c. From 1999 through April, 2003, I was the Unit Director of the Office of the Elderly, representing clients and supervising other attorneys in representing older clients in a wide range of subject matters (consumer matters, landlord/tenant, foreclosure, family law, future planning, disputes over Medicaid home care services, and other issues); and

- d. From April, 2003 through October, 2009, I was a supervising attorney at Queens Legal Services, representing clients and supervising other attorneys in representing clients in a wide range of subject matters (including consumer matters, foreclosures, disability determinations, and appealing wrongful denials of government entitlements).
9. From 2001 to 2008, in addition to my full-time work in legal services, I also served as an Adjunct Professor of Law at New York Law School, teaching Applied Analysis, a legal reasoning course.
10. In 2010 through March, 2012, I was a solo practitioner, specializing in litigation, particularly matrimonial matters, foreclosures, tenant representation, and election law matters.
11. I joined Schlanger & Schlanger, LLP as an attorney in March of 2012. The office's practice focuses predominantly on consumer protection issues. Since joining the firm, I have represented plaintiffs in the following federal consumer law litigation:
 - a. Michael Charles v. Gilead Kreiter
12 civ 4171 (SDNY 2012) (brought under FDCPA);
 - b. Ira Hechtlinger v. National Enterprise Systems and Citibank
12 civ 3080 (SDNY 2012)(brought under the FDCPA and the Electronic Funds Transfer Act);
 - c. Samantha Robertson v. Capital Management Services, LP
12 civ 4860 (SDNY 2012 (brought under the FDCPA case);
 - d. Terri Matheson v. Toback, Bernstein & Reiss, LLP
12 civ 5788 (SDNY 2012)(brought under the FDCPA)
 - e. Arold Robert v. Cohen & Slamowitz, LLP
12 civ 2551 (EDNY 2012) (brought under FDCPA)(pending);
 - f. Ghislaine Pierre v. Planet Automotive et al
13 civ 675 (EDNY 2013)(brought under the Truth in Lending Act and the Magnusson Moss Warranty Act)(pending)
12. I have represented plaintiffs in other federal court actions as well:
 - a. Temple v. Commissioner of Social Security

- 08 cv 03365 (EDNY 2008)(review of disability determination)
- b. Johnson v. Commissioner of Social Security
08 civ 03003 (EDNY 2008) (Review of disability determination)
- c. Dowsett v. Commissioner of Social Security
07 civ 03002 (EDNY) (Review of disability determination)
- d. Techeira v. Commissioner of Social Security
07 civ 03217 (EDNY 2007) (Review of disability determination)
- e. DeJesus v. Commissioner of Social Security
03 civ 946 (EDNY 2003) (Review of disability determination)
- f. Feingut v. Excel Bradshaw Management Group
04 civ 3615 (EDNY 2004) (discrimination claim under with Americans with Disability Act)
- g. Aldrich v. Thompson McKinnon Securities
583 F. Supp. 683 (SDNY 1984, *aff'd*. 756 F.2d 243 (2nd Cir. 1985) (Securities fraud jury trial, resulting in verdict for plaintiff)

13. I have also frequently represented consumers in State Court litigation, including the following cases:

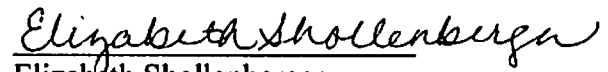
- a. Midland Funding LLC v. Sabine Gay, Index No. 38980/12
Civil Court, City of New York, Queens Co.
- b. CACV of Colorado, LLC v. Mary Doyle, Index No. 2570/07
Putnam County Supreme Court
- c. HSBC Bank Nevada, NA v. Lance Goodwin, Index No. 103807/05
New York County Supreme Court
- d. Brigadoon Show Stables Inc. v. Lance Goodwin, Index No. 115082/08.
New York County Supreme Court
- e. Midland Funding LLC v. Kathleen Calderon, Index No. 26174 /08
Civil Court, City of New York, New York County
- f. The Kent School Corp. v. Farid Tamaddon, Index No. 602/13
Nassau County Supreme Court
- g. Palisades Collection, LLC v. Michael Charles, Index No. 8269 /08
Civil Court, City of New York, New York County
- h. CSGA, LLC v. Richard Chiang, Index No. 19523 /07
Westchester County Supreme Court
- i. Citi Bank v. Kathleen Kao, Index No. 29411/11
Civil Court, City of New York, New York County
- j. Midland Funding LLC v. Angel Laguna, Index No. 61931 /12
Westchester County Supreme Court
- k. Beckwith v. General Auto Body Works, Index No. 20467/07
Queens County Supreme Court
- l. US Equities v. Raufi, Index No. 31729/08
Queens County Supreme Court
- m. Citimortgage v. Green, Index No. 382105/10
Bronx County Supreme Court

- n. Moore v. New York Community Bank, Index No. 833/03
Civil Court, City of New York, Queens County
14. I have settled many dozens of other consumer matters prior to litigation being commenced.
15. I have litigated in York's appellate courts:
- a. Glenbriar v. Lipsman, 5 N.Y. 3d 388 (2005)
 - b. Joseph v. Whitcombe, 279 A.D.2d 122 (1st Dept 2001)
 - c. 23 Jones St. Assoc. v. Beretta, 182 Misc.2d 177 (App. Term, 1st Dept. 1994)
 - d. Table Run Estates v. Perez, NYLJ 2/23/94 (App. Term, 1st Dept. 1994)
 - e. Credit Alliance Corp. v. Arthur Anderson & Co., 103 A.D.2d 231 (1st. Dept. 1984)
 - f. Century Operating Corp. v. Popolizio, 60 N.Y.2d 483 (1983)
16. I have litigated many cases other than consumer law cases, including, *inter alia*:
- a. Buchwald v. Fusco, Index No, 3940/12
Westchester County Supreme Court (election law matter)
 - b. Walfish v. Jaffe, Index No. 21164/10
Westchester County Supreme Court (election law matter)
 - c. Korff v. Martino, Index No. 017975/10
Westchester County Supreme Court (election law matter)
 - d. Luciano v. Westchester Board of Elections, Index No, 16907/08
Westchester County Supreme Court (election law matter)
 - e. Groves v. Hansell, Index No. 401614/09
New York Court Supreme Court (review of administrative agency decision)
 - f. Abramov v. Hansell, Index No. 400274/08
New York Court Supreme Court (review of administrative agency decision)
 - g. Staiano v. B.L. Management, Index No., 1187/07
Queens County Supreme Court (discrimination under Americans With Disability Act)
 - h. Bivins v. Allstate Insurance Company, Index No. 94789/04
Queens County Supreme Court (suit against insurer for losses)
 - i. Kew Gardens v. Catalano, Index No. 21638/03
Queens County Supreme Court (defense of cooperative shareholder-tenant against fraud)
17. In addition, I have had extensive experience in representing claimants in various administrative proceedings before agencies such as the Unemployment Appeals Board, the Division of Housing and Community Renewal, the State Office of Temporary and Disability Assistance, and the Federal Social Security Administration.

18. I have a great deal of experience in representing tenants in summary eviction proceedings; I have litigated hundreds of landlord/tenant trials in New York City Housing Court.
19. Since 2012, I have been a volunteer with Civil Legal Advice and Resource Office (“CLARO”), a limited-scope legal advice project for unrepresented consumers. CLARO operates under the auspices of and with the support of the New York State Access to Justice Programs.
20. For 24 years, from 1984 through 2008, in conjunction with a church in Lower Manhattan, I coordinated a twice-monthly weekend walk-in clinic offering free landlord-tenant advice to unrepresented tenants with housing problems.
21. I have been recruited as expert to lecture by various Bar Associations:
 - a. New York State Bar Association CLE on Tenants’ Rights During Foreclosure (lectured in 2008, 2009, and 2013)
 - b. New York State Bar Association CLE on Representing the Homeowner During Foreclosure (2008)
 - c. Rockland County Bar Association CLE on Representing the Homeowner During Foreclosure (2010)
 - d. Queens County Bar Association CLE on Representing Claimants in Unemployment Proceedings
22. I have also published an article on consumer law issues: “Using CPLR § 202 to Represent Consumers,” published in the September, 2012 edition of the Westchester Women’s Bar News.
23. I have been a member of the Westchester Women’s Bar Association since 2003 and of the New York State Bar Association since 2012.
24. Plaintiff seeks attorneys’ fees for my work at the rate of \$400/hr.
25. When representing clients on an hourly basis, my billing rate is \$400/hour.

26. The time entries attached to Daniel A. Schlanger, Esq.'s Declaration (also submitted in support of the instant motion for fees and costs) include my contemporaneous time records.
27. I declare under the penalties of perjury that the foregoing declaration is true and accurate to the best of my knowledge and belief.

Dated: Pleasantville, New York
June 3, 2013


Elizabeth Shollenberger
Schlanger & Schlanger, LLP
Attorney for Plaintiffs
343 Manville Road
Pleasantville, NY 10570
(914) 946-1981 (Ph)
(914) 946-2930 (Fax)
elizabeth.shollenberger@schlangerlegal.com